

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BRETT WILLIAM SEATON,

Petitioner, No. 2:14-cv-00183-ST

v. ORDER

MARK NOOTH,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Janice Stewart issued a Findings & Recommendation [51] on September 30, 2015, recommending that Petitioner Brett William Seaton's Amended Petition for Writ of Habeas Corpus [21] be denied. Mr. Seaton has timely filed objections [53] to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When a party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Petitioner's objections and conclude there is no basis to modify Judge Stewart's Recommendation that Mr. Seaton's petition for writ of habeas corpus should be denied. I have also reviewed the pertinent portions of the record *de novo* and find no errors in the Judge Stewart's Findings & Recommendation.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings & Recommendation [51], and therefore, Petitioner's Amended Petition for Writ of Habeas Corpus [21] is DENIED, and this action is dismissed with prejudice. The Court declines to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 28 day of November, 2015.

  
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MARCO A. HERNÁNDEZ  
United States District Judge